

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>IN RE: NATIONAL PRESCRIPTION</b>	)	<b>MDL 2804</b>
<b>OPIATE LITIGATION</b>	)	
	)	<b>Case No. 1:17-md-2804</b>
<i>This document relates to:</i>	)	
<i>All cases</i>	)	<b>Judge Dan Aaron Polster</b>
	)	
	)	<b><u>ORDER</u></b>
	)	

On March 10, 2021, the Court conducted a telephone conference with all parties and counsel in the referenced case. The Court announced that five cases would be selected to proceed to trial in new litigation tracks.

On or before **March 31, 2021**, the parties must confer with one another and submit a list of five representative cases to proceed to trial. The parties will be required to work with Special Master David R. Cohen to develop the list of cases, including speaking with him separately. Counsel must sufficiently explain how the submitted list is representative of the plaintiffs, defendants and causes of action pending before the Court and how those cases will provide the parties with the necessary data to advance a global settlement.

The five selected cases will be set for bellwether trials against pharmacies only and must include the four national pharmacies that are in Track Three. The parties should discuss whether any regional or local pharmacies will be included. Each case should have only one cause of action, presumably either public nuisance or RICO. The purpose of selecting these cases is to provide a sufficient and representative number of verdicts, along with Track Three and any state cases that are tried, to provide a basis for global settlement.

If the parties agree on the five representative cases, a joint list may be submitted. If the parties cannot agree on five representative cases, they are directed to jointly submit those cases

upon which they do agree and separately submit recommendations for the remaining cases. To the extent separate proposals are submitted, the Court will review the parties' separate lists and choose the five representative cases. The parties must provide the Court with enough information so that it will be equipped to meaningfully determine the best cases to proceed to trial.

**IT IS SO ORDERED.**

/s/ Dan Aaron Polster March 11, 2021  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**